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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA,   | ) | <b>NO. 19-0367-10 CRB</b>          |
|                             | ) |                                    |
| Plaintiff,                  | ) | <b>UNITED STATES' SENTENCING</b>   |
|                             | ) | <b>MEMORANDUM</b>                  |
| v.                          | ) |                                    |
| LUIS ALMICAR ERAZO-CENTENO, | ) | Judge: Hon. Charles R. Breyer      |
| a/k/a "Pika"                | ) | Sentencing Date: February 16, 2022 |
|                             | ) | Time: 1:30 p.m.                    |
| Defendant.                  | ) |                                    |

**I. INTRODUCTION**

Defendant Luis Almicar Erazo-Centeno worked as one of many street-level drug dealers in the drug trafficking organization run by co-defendants Eduardo Viera-Chirinos and Karen Castro-Torres. As he admitted in his plea agreement and as illustrated through numerous intercepted calls, Erazo-Centeno purchased ounces of drugs at a time from members of the Viera-Chirinos organization that he then resold on the streets of the Tenderloin. A review of his criminal history indicates that Erazo-Centeno began selling drugs in San Francisco several years before the current federal conduct. He was

1 arrested initially in 2013 conducting narcotics transactions with co-defendant Cilder Velasquez. At the  
2 time of the federal investigation, Erazo-Centeno had a pending state drug trafficking case stemming  
3 from an arrest near 8th and Market Streets in San Francisco. Despite claiming to comply with his  
4 conditions of release in that case, Erazo-Centeno continued selling drugs. In fact, during conversations  
5 with Velasquez who was participating in a community drug court program, Erazo-Centeno asked what  
6 documentation he needed to show the judge, presumably to also participate in or complete the diversion  
7 program.

8 Following the arrest of his co-defendants in this case, Erazo-Centeno left California, failing to  
9 appear again on the San Francisco case. The defendant took his drug dealing to Colorado where he was  
10 arrested in January 2020 and later convicted.

11 In comparison other co-defendants, Erazo-Centeno was a street-level dealer with no managerial  
12 role. The government agrees with the U.S. Probation Office, however, that a minor role reduction under  
13 the U.S. Sentencing Guidelines is unwarranted as Erazo-Centeno was not substantially less culpable  
14 than the average participant as required for the reduction to apply.

15 In light of Erazo-Centeno's relative role in the conspiracy weighed against with his unabated  
16 drug trafficking, the government recommends a slight variance from the low-end of the Guidelines and  
17 recommends the imposition of a 48-month sentence.

## 18 **II. PROCEDURAL POSTURE**

19 On August 8, 2019, a federal grand jury returned an Indictment charged Erazo-Centeno (and 13  
20 co-defendants) with conspiracy to traffic drugs, in violation of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B).  
21 Following charging, agents were unable to locate Erazo-Centeno. They later learned that he left the Bay  
22 Area for Colorado where he was arrested in January 2020 for drug dealing. Following conviction on the  
23 state charges, Erazo-Centeno was brought into federal custody. The Honorable Jacqueline Scott Corley  
24 arraigned Erazo-Centeno on November 20, 2020. The defendant subsequently pled guilty on July 21,  
25 2021, to the sole count of a Superseding Information. At the time of sentencing, Erazo-Centeno will  
26 have spent approximately fifteen and a half months in federal custody.

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### III. SENTENCING GUIDELINES CALCULATIONS

As set forth in the parties' written plea agreement, the parties agree that at minimum the following Sentencing Guidelines apply:

- |    |                                                                                                                         |     |
|----|-------------------------------------------------------------------------------------------------------------------------|-----|
| a. | Base Offense Level, U.S.S.G. §§ 2D1.1(a)(5), (c)(8):<br>(At least 100 KG but less than 400 KG of Converted Drug Weight) | 24  |
| b. | Acceptance of Responsibility (U.S.S.G. § 3E1.1(a):                                                                      | - 3 |

The plea agreement also contemplated the application of a two-level reduction, under U.S.S.G. § 3B1.2(b), for playing a minor role in the conspiracy. The government agrees with the U.S. Probation Office ("Probation") that the reduction is unwarranted. Application Note 3 of the Guidelines provision notes that the reduction applies to a defendant who is "substantially less culpable than the average participant in the criminal activity." U.S.S.G. § 3B1.2, Application Note 3(A). Here, Erazo-Centeno and his fellow street-level dealers *were* the "average participant[s]" in the conspiracy. Their daily drug dealing constituted the engine of the organization. Far from being an unwitting courier or a participant in only one of many drug deals, Erazo-Centeno accepted housing from the organization and went to work for it every day. His conduct, therefore, went well beyond the activity of a defendant who played a "minor role."

Without the role reduction, the final adjusted offense level is 21. The government agrees with Probation's assessment that Erazo-Centeno falls into Criminal History Category VI, resulting in an advisory sentencing range of 57-71. The government recommends the imposition of a nine-month downward variance, resulting in a sentence of 48 months' imprisonment.

### IV. GOVERNMENT'S SENTENCING RECOMMENDATION

The Court should impose a sentence sufficient, but not greater than necessary, to reflect the purposes of sentencing that Congress identified in 18 U.S.C. § 3553(a)(2). *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008). The Court should begin by calculating the correct sentencing range under the Sentencing Guidelines. *Id.* The Guidelines are "the 'starting point and the initial benchmark,'" *United States v. Ellis*, 641 F.3d 411, 415 (9th Cir. 2011) (quoting *United States v. Kimbrough*, 552 U.S. 85, 108 (2007)), and the Court should "remain cognizant of them throughout the sentencing process."

1 *United States v. Gall*, 552 U.S. 38, 50 n.6 (2007). After determining the appropriate Guidelines  
 2 calculations, the Court should then evaluate the sentence for substantive reasonableness in light of the  
 3 factors set out in Section 3553(a). *Carty*, 520 F.3d at 991-93. Here, the most important considerations  
 4 are the nature and circumstances of the offense, the history and characteristics of the defendant, and the  
 5 need to afford adequate deterrence. 18 U.S.C. § 3553(a)(1), (a)(2)(B).

6 **A. Erazo-Centeno consistently bought and distributed ounce quantities of drugs on**  
 7 **behalf of the organization.**

8 Erazo-Centeno admits that for at least 13 months, he worked as a street-level drug dealer for the  
 9 Viera-Chirinos/Castro-Torres drug trafficking organization. *See* dkt. 395, Plea Agreement, ¶ 2.  
 10 Intercepted calls indicate that he accepted housing from the organization and moved from one location  
 11 to another when the co-conspirators believed law enforcement may have been watching them. *See*  
 12 Declaration of Sailaja M. Paidipaty (“Paidipaty Decl.”), Ex. A, Line Sheets. Erazo-Centeno discussed  
 13 this move with Castro-Torres who asked whether Erazo-Centeno or any of the other street-level dealers  
 14 who would occupy the new residence had a “clean ID so that the apartment could be under someone that  
 15 had not been burned already.” *Id.* at Call 270. Erazo-Centeno replied that he had identification, but  
 16 that he “had problems with the cops,” presumably referencing his arrest two months earlier in May 2019  
 17 by officers of the San Francisco Police Department (“SFPD”). *Id.* Castro-Torres instructed the  
 18 defendant to help get a picture of another individual’s ID, which he did. *See id.* at Calls 270-71. As  
 19 illustrated by this conversation, Erazo-Centeno remained undeterred by his pending criminal case.  
 20 Instead, he coordinated with Castro Torres to maintain and conceal the housing system supporting the  
 21 drug trafficking organization.

22 As he further admits in his plea agreement, when Erazo-Centeno bought and sold drugs for the  
 23 organization, he purchased and distributed ounce quantities. During one call on June 10, 2019, he asked  
 24 Velasquez to bring him one ounce of methamphetamine and one ounce of cocaine. *See* dkt. 395, Plea  
 25 Agreement, ¶ 2. Approximately one week later, Erazo-Centeno asked for Velasquez to bring him  
 26 another ounce of drugs. *See* Paidipaty Decl, Ex. A, Line Sheets at Call 588. While there is no question  
 27 that the defendant was not distributing pound or kilogram quantities at a time, he was also not being  
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1 supplied with smaller quantities such as “eight-balls” or packages containing an eighth of an ounce of  
2 drugs. In fact, during a conversation in March 2019, Velasquez, in negotiating pricing with a supplier,  
3 told the individual that Pika and the other dealers living in that location bought a lot of drugs from  
4 Velasquez. *See* Paidipaty Decl., Ex. C, Line Sheets at Call 308. Typically, purchasing a greater  
5 quantity allows a lower wholesale price from one supplier to another. Over time, these ounce quantities  
6 added up and pumped a significant amount of drugs onto the streets of this District.

7 **B. Erazo-Centeno’s sold drugs both before and after the conduct charged in the federal**  
8 **case.**

9 Erazo-Centeno’s drug dealing activity occurred long before the time period of the conspiracy at  
10 issue here. As far back as 2013, SFPD saw the defendant and co-defendant Velasquez dealing drugs in  
11 the Tenderloin. Presentence Report (“PSR”) ¶ 45. Two years later, he was again stopped by SFPD for  
12 suspected drug dealing. *Id.* ¶ 46. The following year, officers stopped Erazo-Centeno twice dealing  
13 drugs with other individuals. *Id.* ¶¶ 47-48. That same year, he was convicted of being an accessory to a  
14 crime, in violation of California Penal Code Section 32. *Id.* ¶ 39.

15 In May 2019, SFPD officers arrested Erazo-Centeno after watching him conduct hand-to-hand  
16 drug transactions near 8th and Market Streets. *Id.* ¶ 49. At the time, the defendant possessed suspected  
17 heroin, methamphetamine, and cocaine base, as well as over \$800 in cash. *Id.* Erazo-Centeno initially  
18 attended his local court proceedings and appeared to discuss them with Velasquez. During a call on  
19 June 20, 2019, Erazo-Centeno told Velasquez that he was “in the class” and asked Velasquez what  
20 documentation he needed to take to the judge. Paidipaty Decl, Ex. A, Line Sheets at Call 661.  
21 Velasquez referenced an individual named “Sylvia” and said that Erazo-Centeno only needed to show  
22 proof that he was attending the classes. *Id.* As described in the government’s sentencing memorandum  
23 for Velasquez, Velasquez participated in a community drug court program following an arrest for drug  
24 in San Francisco. During intercepted calls, Velasquez referenced an individual named Sylvia who was  
25 involved with the diversion program, presumably the same individual referenced in his call with Erazo-  
26 Centeno. It therefore appears that even while his state case was pending and he was participating in  
27 programming, Erazo-Centeno continued selling drugs.

1 Later that year, in July and August 2019, when most of the co-defendants were arrested, agents  
2 were unable to locate and arrest Erazo-Centeno. It turns out the Erazo-Centeno left the Bay Area and  
3 went to Denver, Colorado where he began selling drugs. *See id.* ¶ 41. In January 2020, he was arrested  
4 by Colorado state officers and charged with various drug trafficking offenses. *Id.* A few months later,  
5 he was convicted and sentenced to two years' imprisonment. *Id.*

6 Considering the overall chronology, it appears that Erazo-Centeno has been selling drugs from  
7 2013 to early 2020. While the government cannot prove that Erazo-Centeno knew that he was wanted  
8 on federal charges prior to leaving for Colorado, the timing of his move coupled with his compliance  
9 status in state court prior to the Fall 2019 arrests of his co-defendants indicates that he was aware of the  
10 federal operation and left the jurisdiction to evade capture. As his criminal record shows, though, just  
11 because he left the jurisdiction did not mean that he stopped his street drug sales.

12 While Erazo-Centeno is a street-level dealer rather than a higher-level dealer/supplier, his  
13 lengthy history of law enforcement contacts and higher Criminal History Category (CHC IV)  
14 differentiate the defendant from other street-level dealers that the Court has sentenced previously. The  
15 government recognizes that one of the convictions that adds three points to the defendant's criminal  
16 history score occurred after the present conduct, but even accounting for that, Erazo-Centeno would still  
17 be in CHC III, which is higher than many other co-defendant street-level dealers who were only in  
18 Category I. His position, therefore, is not entirely commensurate with those of co-defendants that were  
19 sentenced to time served (which ranged in cases from months to approximately one year in custody). As  
20 stated previously, the government also recognizes that Erazo-Centeno was a street-level dealer and did  
21 not occupy a higher or managerial role. Combining all of these factors, the government submits that a  
22 nine-month variance from the low-end of the Guidelines is warranted and urges this Court to impose a  
23 sentence of 48 months in custody.

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1 **V. CONCLUSION**

2 The government respectfully recommends that this Court impose a 48-month custodial sentence,  
3 followed by three years of supervised release, and a \$100 mandatory special assessment.

4 DATED: February 9, 2022

Respectfully submitted,

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6 United States Attorney

7 /s  
8 SAILAJA M. PAIDIPATY  
9 Assistant United States Attorney